

Application No. 09/988,455

2000P20541US
Gritzbach et al.REMARKS/ARGUMENTS*Claim Status*

After entry of the present Amendment, Claims 1 – 5, 7 – 13 and 15 – 18 are pending in this application. By this Amendment, Claims 1 – 5, 7 – 13 and 15 – 18 are amended, and Claim 6 is cancelled. Claims 14, 19 and 20 have been cancelled previously.

Claim Rejections – 35 U.S.C. § 103

The Examiner rejects Claims 1 – 13, 15, 16 and 18 under 35 U.S.C. § 103(a) as being unpatentable over Pfeifer (U.S. Pat. No. 5,987,519) and Oba (U.S. Pat. No. 5,038,800) and further in view of Zaitsu (U.S. Patent Publication No. 2002/0013551). As to Claim 1, the Examiner asserts that Pfeifer fails expressly teach displaying measurement data and/or diagnosis data on a local monitor, and that this feature is well known in the art, as evidence by Oba. Further, the Examiner asserts that Pfeifer fails to expressly teach actively controlling the selected diagnosis instrument since it appears that Pfeifer is more directed to a medical device interface of video and voice. However, the Examiner asserts that this feature is well known in the art, as evidenced by Zaitsu. The Examiner concludes that it would have been obvious to include Oba's teaching and Zaitsu's teaching to Pfeifer's device. Applicants respectfully traverse.

Without conceding that the Examiner's assertions are proper, but to expedite examination and allowance of this application, independent Claims 1 and 12 are amended to further distinguish the claimed subject matter over the cited references to Pfeifer, Oba and Zaitsu, and to emphasize that the claimed subject matter is based on a concept that is substantially different from those disclosed in Pfeifer, Oba and Zaitsu.

Claim 1 is amended, as set forth in the above listing of claims, to further specify that the display unit is configured to represent each local monitor simultaneously, wherin a number of represented local monitors corresponds to the predetermined number of diagnosis instruments, and wherein the simultaneous representations of local monitors on the display unit allow the central operator to monitor and control the diagnosis instruments during patient examinations, and that the input unit is configured to allow the central operator to select a diagnosis

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instrument from the diagnosis instruments represented on the display unit. Claim 12 is amended correspondingly.

No new matter is added by these amendments because the specification describes in [0017] that the display unit displays the data in the same way as the local monitor, that the local monitor may be presented on the display unit, and that the display unit may have a plurality of monitors and may be designed as a split screen. Further, [0038] describes, and Fig. 1 shows the display unit as having four display devices. The data is presented to a physician simultaneously, as described in [0044]. The physician, therefore, has representations of all local monitors available at the same time and can select one diagnosis instrument from the diagnosis instruments represented on the display unit. The cited references do not teach such a medical diagnosis management system.

Applicants previously discussed Pfeifer and Zaitsu. The content of these discussions is repeated herewith.

Further, regarding Claim 1, the Examiner correctly states that Pfeifer fails to teach displaying measurement data on a local monitor. Regarding Claim 6 (now cancelled), however, the Examiner asserts that Pfeifer discloses a display unit that displays the measurement data in the same way as the local monitor of the diagnosis instrument (col. 4, line 57 to col. 5, line 1). Applicants respectfully disagree because Pfeifer teaches to output videoconferencing information to a display screen, and to interpret diagnostic data. Applicants submit that, therefore, Pfeifer fails to teach a display unit to simultaneously display representations of local monitors, as defined in amended Claims 1 and 12.

Regarding the local monitor, the Examiner asserts that Oba discloses displaying measurement data on a local monitor. Oba teaches a system for monitoring a patient using a LAN to connect a central monitor to one or more bedside monitors. (Abstract.) However, the central monitor displays only data related to a single patient/bed. (Fig. 2, col. 2, lines 54 – 63, Claim 1.) Therefore, Applicants submit that Oba fails to teach a display unit that simultaneously displays representations of local monitors, as defined in amended Claims 1 and 12.

Likewise, Zaitsu does not teach a display unit that simultaneously displays representations of local monitors, as defined in amended Claims 1 and 12. In Zaitsu's pump monitoring system, the display 101 is part of a central portion (see para. 55),

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but the pumps do not include local monitors allowing a local operator to monitor the diagnosis instrument at a patient site during a patient's examination. Absent any local monitor, Zaitsu cannot teach a display unit that simultaneously displays representations of local monitors, as defined in amended Claims 1 and 12.

In view of the foregoing, Applicants respectfully submit that the cited references to Pfeifer, Oba and Zaitsu, alone or in combination, do not disclose or suggest a display unit that simultaneously displays representations of local monitors, wherein a number of represented local monitors corresponds to the predetermined number of diagnosis instruments, and wherein the simultaneous representations of local monitors on the display unit allow the central operator to monitor and control the diagnosis instruments during patient examinations, and that the input unit is configured to allow the central operator to select a diagnosis instrument from the diagnosis instruments represented on the display unit.

Absent impermissible hindsight, there is no suggestion or motivation to modify any of the systems described in the cited references, for example, to have a display unit that simultaneously displays representations of local monitors. The prior art's failure to teach these limitations indicates that the prior art does not consider active intervention by a central operator in the sense of the present application.

In view of the foregoing and the previously submitted arguments, Applicants submit that Pfeifer, Oba and Zaitsu do not disclose or suggest each and every limitation recited in amended Claims 1 and 12, and, consequently, do not render the subject matter of amended Claims 1 and 12 obvious. Applicants respectfully encourage the Examiner to reconsider Pfeifer, Oba and Zaitsu in view of the above arguments and amended Claims 1 and 12, and to pass amended Claims 1 and 12 to allowance.

Claims 2 – 5, and 7 – 11 depend from amended Claim 1, and Claims 13 and 15 – 18 depend from amended Claim 12. Each dependent claim adds additional inventive features to the subject matter of the respective independent Claim 1 or 12. The above arguments regarding Claims 1 and 12 are repeated herewith for each one of the dependent claim. Accordingly, each dependent claim is separately patentable over the cited references. Applicants respectfully request the Examiner to pass Claims 2 – 5, 7 – 11, 13 and 15 – 18 to allowance.

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The Examiner rejects Claim 17 under 35 U.S.C. § 103(a) as being unpatentable over Pfeifer, Oba and Zaitsu and further in view of Surwit (U.S. Pat. No. 6,024,699). Claim 17 depends from independent Claim 12. The above arguments are repeated herein. Surwit does not provide the missing teachings discussed above to anticipate nor render obvious amended Claim 12. Accordingly, at least for the above reasons and because of the additional inventive features recited in Claim 17, Claim 17 is also allowable and reconsideration and withdrawal of the rejection are respectfully requested.

Conclusion

The present response is intended to correspond with the Revised Amendment Format. Should any part of the present response not be in full compliance with the requirements of the Revised Amendment Format, the Examiner is asked to contact the undersigned for immediate correction.

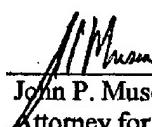
For the above reasons, Applicants respectfully submit that the application is in condition for allowance, and such allowance is herewith respectfully requested.

Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicants' attorney in order to resolve such issues promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 502464 referencing attorney docket number 2000P20541US.

Respectfully submitted,

Date: 6/27/07


John P. Musone
Attorney for Applicants
Registration No. 44,961
Tel: (407) 736 6449
Customer No.: 28204